Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

December 10, 1996

Mr. Mitchell S. Milby
Assistant City Attorney
Criminal Law and Police Division
City of Dallas
Municipal Building
Dallas, Texas 75201

OR96-2336

Dear Mr. Milby:

You ask whether certain information is subject to required public disclosure under the Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 102401.

The City of Dallas Police Department (the "city") received a request for a memo from Dallas Assistant City Attorney Prema Velu to Dallas Deputy Chief Taylor, which you assert is excepted from required public disclosure based on Government Code section 552.107(1). Section 552.107(1) protects the details of the substance of attorney-client communications, that is, only information that reveals attorney advice and opinion or client confidences. *See* Open Records Decision No. 574 (1990). We have reviewed the requested memo and agree that section 552.107(1) applies to it. Thus, the city may withhold the memo from the requestor based on Government Code section 552.107(1).[1]

We are resolving this matter with this informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

Kay Guajardo
Assistant Attorney General
Open Records Division

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[1]We assume the requested memo has not been the subject of a prior open records request. If this memo was in fact the subject of a prior request and the city failed to timely raise section 552.107(1) as to that request, the city has waived the protection of section 552.107(1). *See* Open Records Decision No. 630 (1994).

KHG/rho

Ref.:   ID# 102401

Enclosure: Submitted document

cc: Mr. Michael D. Sneed
       809 Dawson Street
       Cedar Hill, Texas 75104
       (w/o enclosure)